

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

GERMANTOWN TRUST &)
SAVINGS BANK,)
)
Plaintiff,)
)
v.) Case No. 3:19-cv-352
)
U.S. BANK, N.A. and SECURA)
INSURANCE COMPANIES, a)
mutual company,)
)
Defendants.)

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ILLINOIS:

Pursuant to 28 U.S.C. 1441, *et seq.*, Defendant U.S. Bank, N.A. (“U.S. Bank”) hereby submits this Notice of Removal to the United States District Court for the Southern District of Illinois, from the Circuit Court of Clinton County, Illinois. As grounds for removal, U.S. Bank states as follows:

1. U.S. Bank desires to exercise its right under the provision of 28 U.S.C. 1441, *et seq.*, to remove this case from the Circuit Court of Clinton County, Illinois, in which court said cause was pending under the name and style of Germantown Trust & Savings Bank v. U.S. Bank, et al. Case No. 2019-L-9.

2. 28 U.S.C. 1441(a) provides:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

3. This is a civil action that was instituted on March 4, 2019 via Complaint filed by Germantown Trust & Savings Bank in the Circuit Court of Clinton County, Illinois against U.S. Bank and Secura Insurance Companies (“Secura”).

4. U.S. Bank was served with summons on March 14, 2019. *See Exhibit A.*

5. Secura has not been served in this cause. *See Exhibit B.*

6. According to Plaintiff’s Complaint, Plaintiff is an Illinois banking company with its principal place of business in Clinton County, Illinois.

7. U.S. Bank is incorporated under the laws of the State of Delaware and its principal place of business is located in Minnesota. For purposes of diversity, U.S. Bank is therefore not a citizen of Illinois.

8. Secura is incorporated under the laws of the State of Wisconsin and its principal place of business is located in Wisconsin. For purposes of diversity, Secura is therefore not a citizen of Illinois.

9. The facts of the parties’ citizenship contained in paragraphs 6 through 8 above demonstrate complete diversity.

10. This Court has original jurisdiction of the above-entitled action pursuant to 18 U.S.C. 1332(a) because the matter in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and there is complete diversity of citizenship among the parties.

11. This Notice of Removal is timely filed in accordance with the requirements of 28 U.S.C. 1446(b), in that it is filed within thirty (30) days after receipt by U.S. Bank of the “initial pleading setting forth the claim for relief upon which such action or proceeding is based”.

12. Pursuant to 28 U.S.C. 1446(a), a copy of Plaintiff's Complaint bearing Case No. 2019-L-9 filed in the Circuit Court of Clinton County, Illinois is attached hereto as Exhibit C.

WHEREFORE, U.S. Bank, N.A., serves notice that this case is removed from the Circuit Court of Clinton County, Illinois, where it was pending, to this Court, for the exercise of jurisdiction over this action as though this case had been originally instituted in this Court.

Respectfully Submitted,

Dated: March 28, 2019

By: /s/ Thomas C. Pavlik, Jr.
Thomas C. Pavlik, Jr.

Prepared by

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PROOF OF SERVICE

The undersigned hereby certifies that true and correct copies of the foregoing Motion to Dismiss were served on interested parties shown below electronically on March 28, 2019 or, on those parties not receiving electronic service, by placing such copies in envelopes addressed as follows, with first class postage fully prepaid, and by delivering the envelopes to the U.S. Postal Service on the 28th day of March, 2019.

Jeffrey A. Mollet
Silver Lake Group, Ltd.
560 Suppiger Way
P.O. Box 188
Highland, Illinois 62249

/s/ Thomas C. Pavlik, Jr.
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